

BEFORE THE  
BOARD OF PSYCHOLOGY  
STATE OF CALIFORNIA

In the Matter of the Petition  
For Reinstatement of:

STEVEN V. RENFELDT, Ph.D.,

Petitioner.

OAH NO. N2002100155

**DECISION**

This matter was heard before a quorum of the Board of Psychology in Sacramento, California on November 15, 2002. William O. Hoover, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Stephen M. Boreman, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General pursuant to Government Code section 11522.

Petitioner Steven V. Renfeldt appeared on his own behalf.

**FACTUAL FINDINGS**

1. On August 1, 1989, the Board of Psychology (Board) issued license number PSY 11256 to Steven V. Renfeldt (petitioner). The license was inactive during the period July 1993-July 1999. Effective May 19, 1999, the Board revoked petitioner's psychology license for unprofessional conduct for violation of Business and Professions Code sections 2960.6(a) (Out-of-State discipline). Petitioner did not appear or file a notice of defense in the matter and the Board issued a default decision pursuant to Government Code sections 11505(a) and 11520.

2. The procedural circumstances are that petitioner was disciplined for unprofessional conduct on June 5, 1998 by the Division of Occupational and Professional Licensing ("Division") of the Utah State Department of Commerce. The order of discipline was issued in case number DOPL-97-216 upon the adoption of a stipulated settlement wherein petitioner surrendered his Utah psychology license with disciplinary action pending.

3. The underlying factual circumstances area that petitioner became engaged in a personal and sexual relationship with a client to whom he provided individual therapy and separate marriage counseling for her and her husband. The individual client-therapist relationship occurred between August 1993 and August 1994 and the marital counseling occurred between September 1993 and December 1994. The dual relationship began on in December 1994 and ended in January 1996.

4. On April 5, 2001 petitioner submitted to the Division an application for re-licensure. The application complied with the Division's request that it include a mental health evaluation, treatment plan, and verification of therapy and continuing education requirements. Although petitioner submitted an evaluation from Austin Chiles, Ph.D., the Division required a second mental status evaluation by a Division approved psychologist, which was performed by Bruce Etringer, Ph.D. Dr. Etringer suggested that petitioner was at minimal risk of re-offending, but recommended one year of professional supervision upon reinstatement of his license.

5. On July 22, 2002 petitioner's Utah psychologist's license was reinstated pursuant to a Memorandum of Understanding ("MOU") entered into between petitioner and the Division. Petitioner was place on two years probation subject to specified terms and conditions. These terms and conditions included requirements that petitioner's practice be monitored and supervised and that he complete 6 hours of continuing education "regarding sexual improprieties and boundary issues in psychological practices". The continuing education is to be completed within 1 year of the signing of the MOU.

6. On or about March 18, 2002, petitioner filed with the Board a petition for reinstatement of his California license. The petition includes information about petitioner's employment history, continuing education, mental status evaluations, therapy and his responses on the Disciplinary Action Information Sheet. Since May 1998 through March 2002 petitioner has taken several courses dealing with ethics and other areas related to the matter for which he was disciplined. Although he received treatment from May 1998 to April 1998 from Austin Chiles, Ph.D., during which boundary issues were explored, he has not completed any coursework specifically related to the treating of the difficult patient or to transference and countertransference issues. The letters submitted in the Utah reinstatement proceeding were also submitted in the present matter. Neither Dr. Chiles nor Dr. Etringer found that petitioner represented a risk for reoccurrence of the conduct that resulted in his discipline in Utah. In his written responses petitioner expressed remorse for his actions and accepted full responsibility. He appears to have gained insight into the causes of his behavior and the signs that would alert him to potential problems. He also has been able to

identify with particularity how we would act if he found himself in the same or similar circumstances in the future.

7. From the time that he was forced to resign in July 1996 from his position as Supervising Psychologist with MCC Behavioral Care in Utah due to the allegations of unprofessional conduct, petitioner has continued to work in the field of psychology in one form or another. His last employment in Utah was as an adjunct professor of psychology for Weber State University from October 1999 to October 2000. He supplemented his income remodeling homes.

8. Petitioner returned to California in October 2000 and began work at the California Youth Authority in Chino, California as a full time program psychologist. Petitioner counsels male inmates between the ages of 18-25 and his duties include assessments of inmates, case management and conferences, treatment reports and one on one as well as group counseling. Petitioner's direct supervisor is Laura Poncin who has worked with him since his appointment with the Youth Authority and is aware of the disciplinary actions, the reasons therefore and his application for reinstatement. In an interview with a Board investigator Dr. Poncin expressed her opinion that petitioner "has been very professional, honest" and that she has no concerns regarding his ability to perform the duties of his job. She expressed support for his reinstatement by indicating that the Youth Authority is going to give him the time he need for reinstatement.

9. In addition to support from his direct supervisor petitioner's application is supported by Carl Fabrizio, Ph.D., who has worked with him for approximately one year at the Youth Authority. Dr. Fabrizio has agreed to supervise petitioner during his Utah probation and is fully aware of the circumstances of petitioner's discipline in Utah and of his current application for reinstatement in California.

10. Under the circumstances, it is believed that petitioner has demonstrated rehabilitation sufficient to warrant the reinstatement of his license in a probationary status.

### LEGAL CONCLUSIONS

1. The following statutes and regulations are applicable to petitions for reinstatement:

A. Government Code section 11522 provides that a person whose license has been revoked may petition the agency for reinstatement. The petitioner may present oral or written argument to support the petition. The agency may impose appropriate conditions upon the granting of reinstatement.

B. Business and Professions Code section 2962 provides that a waiting period of three years is required before a revoked licensee may petition the Board for reinstatement. The Board may require an examination for reinstatement.

C. California Code of Regulations, Title 16, section 1395 lists rehabilitation criteria for reinstatement proceedings. As applicable to petitioner, it includes: the nature and severity of the act leading to discipline; any subsequent acts which could cause denial of a license; the time since either of those acts occurred; and evidence of rehabilitation submitted by the applicant.

3. Further, evidence of rehabilitation must be clear and convincing to a reasonable certainty. *Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1092.

4. In consideration of Factual Findings 1-10 and Legal Conclusions 1-3 it is clear that petitioner has demonstrated rehabilitation sufficient to justify the issuance of a probationary license.

### ORDER

The petition of Steven V. Renfeldt for reinstatement of his psychology license is denied, however, said denial is stayed for a period of five (5) years, during which time petitioner shall be issued a probationary license subject to the following terms and conditions:

1. Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval, the name and qualifications of a psychologist who has agreed to serve as a practice monitor/billing monitor. The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2) have no prior business, professional, personal or other relationship with respondent; and 3) not be the same person as respondent's therapist. The monitor's education and experience shall be in the same field of practice as that of the respondent.

Once approved, the monitor shall submit to the Board or its designee a plan by which respondent's practice shall be monitored. Monitoring shall consist of a least one hour per week of individual face to face meetings and shall continue during the entire probationary period. The respondent shall provide the monitor with a copy of this Decision and access to respondent's fiscal and/or patient records. Respondent shall obtain any necessary patient releases to enable the monitor to review records and to make direct contact with patients. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request. It shall be respondent's responsibility to assure that the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of respondent's performance.

Respondent shall notify all current and potential patients of any term or condition of probation which will affect their therapy or the confidentiality of their records (such as this condition which requires a practice monitor/billing monitor). Such notifications shall be signed by each patient prior to continuing or commencing treatment.

If the monitor quits or is otherwise no longer available, respondent shall obtain approval from the Board for a new monitor within 30 days. If no new monitor is approved within 30 days, respondent shall not practice until a new monitor has been approved by the Board or its designee. During this period of non-practice, probation will be tolled and any period of non-practice shall not apply to the reduction of this probationary period. Respondent shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall be considered a violation of probation.

2. Respondent shall not practice psychology until respondent has passed the oral licensing examination and/or jurisprudence examination and has been so notified by the Board or its designee in writing. During this period of non-practice, probation is tolled and this period of non-practice will not apply to the reduction of this probationary period. The oral examination is given in January and June each year. It is respondent's responsibility to contact the Board in writing to make arrangements for such examination(s). Respondent shall pay the established examination fee(s).

3. Respondent shall take and successfully complete not less than 12 hours of coursework each year of probation in the following area(s) transference and countertransference, boundary and sexual issues, and difficult patients. Coursework must be pre-approved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal. Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

4. Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.

5. Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be considered a violation of probation. The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay probation monitoring costs.

6. Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed account of any and all violations of

law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.

7. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

8. Respondent shall comply with the Board's probation program and shall, upon reasonable notice, report to the assigned District Office of the Medical Board of California or other designated probation monitor. Respondent shall contact the assigned probation officer regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants associated with the case; 2) Board members or members of its staff; or 3) persons serving the Board as expert evaluators.

9. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

10. Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within 30 days of such change.

11. In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing psychology in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period, although the Board may allow respondent to complete certain terms of probation that are not associated with active practice.


12. If respondent is licensed as a psychologist, he/she shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.

13. If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

14. Upon successful completion of probation, respondent's license shall be fully restored.

Dated: January 27, 2003

Effective Date: February 26, 2003

  
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PAMELA H. HARMELL, Ph.D.  
President  
Board of Psychology  
State of California

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Petition for  
Reinstatement of:

Steven V. Renfeldt, Ph.D.

OAH No.: N2002100155

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

**DECISION AND ORDER**

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Steven V. Renfeldt, Ph.D.  
5091 Las Lindas Way  
Riverside, CA 92505


7001 1940 0001 2974 8023

Stephen M. Boreman  
Deputy Attorney General  
1300 I Street, Suite 125  
Sacramento, CA 95814

William O. Hoover, ALJ  
Office of Administrative Hearings  
560 J Street, Suite 300  
Sacramento, CA 95814

Each said envelope was then on, January 27, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, January 27, 2003, at Sacramento, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
DECLARANT  
Mary Laackmann  
Enforcement Analyst



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BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. W156
Against:	)	
	)	
STEVE VAN RENFELDT, Ph.D.	)	
2311 North 1450 East	)	DEFAULT DECISION
Layton, UT 84040	)	<u>AND DISCIPLINARY ORDER</u>
	)	
Psychology License No. PSY-11256	)	
	)	
Respondent.	)	
_____	)	

On or about February 10, 1999, the respondent was served with an Accusation in case number W156, a Statement to Respondent, Notice of Defense in blank, and copies of relevant sections of the California Administrative Procedure Act, as required by sections 11503 and 11505 of the Government Code.

On or about February 16, 1999, service was accomplished by certified mail directed to the last address for respondent on file with the Board of Psychology. (See attached Exhibit 1.)

Respondent STEVE VAN RENFELDT, Ph.D., failed to file a Notice of Defense within the fifteen days allowed by section 11506 of the Government Code. As a result, the default of respondent was entered. Respondent has thereby waived his right to a hearing to contest the Accusation and the Board of Psychology now proceeds without hearing to take action based upon the Accusation, declarations and documentary evidence on file in accordance with Government Code sections 11505, subdivision (a), and 11520.

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FINDINGS OF FACT

The allegations of the Accusation, a true and correct copy of which is attached as Exhibit 2 and incorporated by reference herein, are found to be true.

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, respondent has committed acts constituting unprofessional conduct in violation of Business and Professions Code section 2960.6(a), revocation of Psychology License by another state.

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**DISCIPLINARY ORDER**

Psychology License No. PSY-11256, issued to STEVE VAN  
RENFELDT, Ph.D., is hereby revoked.

Respondent shall not be deprived of making a request for  
relief from default as set forth at Government Code section 11520(c) for  
good cause shown. However, such showing must be made in writing by  
way of motion to vacate the default decision and directed to the Board of  
Psychology, State of California at 1422 Howe Avenue, Ste. 22, Sacramento,  
CA 95825, prior to the effective date of this decision.

This decision shall be come effective on the

\_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 1999.

Dated: April 19, 1999.

BOARD OF PSYCHOLOGY, STATE OF CALIFORNIA  
Department of consumer Affairs  
State of California

By: \_\_\_\_\_

*J. Fabian Ph.D.*  
JUDITH JANARO FABIAN, Ph.D.  
President

**EXHIBIT** 1

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation  
Against:

Steve Van Renfeldt, Ph.D.

No. : W156

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7; NOTICE OF DEFENSE (2 COPIES); REQUEST FOR DISCOVERY AND DISCIPLINARY GUIDELINES

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Steve Van Renfeldt, Ph.D.  
2311 North 1450 East  
Layton, UT 84040

Robert Miller  
Deputy Attorney General  
1300 I Street, Ste. 125  
Sacramento, CA 94244-251

Each said envelope  
States mail at Sacramento,  
the postage thereon fully pre

Executed on, February  
I declare under penalty of per  
and correct.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Steve Van Renfeldt, Ph.D.  
2311 North 1450 East  
Layton, UT 84040

4a. Article Number

2 188 199 170

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

2/16/99

5. Received By: (Print Name)

Robert Miller

6. Signature: (Addressee or Agent)

X Michael Renfeldt

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Kathi Burns  
DECLARANT  
Kathi Burns  
Enforcement Analyst

**EXHIBIT** 2

BILL LOCKYER, Attorney General  
of the State of California  
GAIL M. HEPPELL, Supervising  
Deputy Attorney General  
ROBERT C. MILLER  
Deputy Attorney General  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5161

Attorneys for Complainant

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. W156
Against:	)	
STEVE VAN RENFELDT, Ph.D	)	ACCUSATION
2311 North 1450 East	)	
Layton, UT 84040	)	
Psychology License	)	
No. PSY-11256,	)	
Respondent.	)	

The Complainant alleges:

PARTIES

1. Complainant, Thomas S. O'Connor, is the Executive Officer of the California Board of Psychology (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about August 1, 1989, Psychology License No. PSY-11256 was issued by the Board to Steve Van Renfeldt, Ph.D. (hereinafter "respondent"), and at all times relevant to the

charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on July 31, 1999.

### JURISDICTION

3. This accusation is brought before the California Board of Psychology, Department of Consumer Affairs under the authority of the following sections of the California Business and Professions Code (hereinafter "Code"):

A. Section 2960 of the Code provides that the Board may revoke or suspend the license of a licensee for unprofessional conduct.

B. Section 2960.6(a) of the Code provides that the revocation, suspension or other disciplinary action imposed by another state or country on a license, certificate, or registration issued by that state or country to practice psychology shall constitute grounds for disciplinary action for unprofessional conduct against that licensee or registrant in this state.

C. Section 125.3 of the Code provides in pertinent part that the Board may request the administrative law judge to direct any licensee found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

D. Section 2964.6 of the Code provides that a disciplinary order issued by the Board may require that a licensee placed on probation pay the Board the costs of



1 probation monitoring.

2 4. Respondent is guilty of unprofessional conduct  
3 within the meaning of Code sections 2960 and 2960.6(a) as more  
4 fully specified hereinbelow.

5 **FIRST CAUSE FOR DISCIPLINE**  
6 (Out-of-State Discipline)  
[Bus. & Prof. Code § 2960.6(a)]

7 5. On or about June 5, 1998, the Division of  
8 Occupational and Professional Licensing of the Utah State  
9 Department of Commerce issued its order adopting the stipulation  
10 in case number DOPL-97-216 entered into between respondent and  
11 the Division whereby respondent surrendered his Utah psychology  
12 license with disciplinary action pending.

13 6. The surrender of respondent's Utah psychology  
14 license as set forth in paragraph 5, above, constitutes out-of-  
15 state disciplinary action and therefore unprofessional conduct  
16 within the meaning of Code section 2960.6(a).

17 **PRAYER**

18 **WHEREFORE** complainant requests that a hearing be held  
19 on the matters herein alleged and that, following the hearing,  
20 the Board issue a decision:

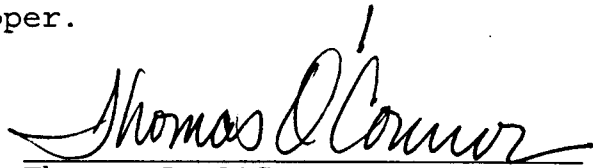
21 1. Revoking or suspending Psychologist License Number  
22 PSY-11256 heretofore issued to respondent Steve Van Renfeldt,  
23 Ph.D.;

24 2. Ordering respondent to pay the Board the actual  
25 and reasonable costs of the investigation and enforcement of this  
26 case and the costs of probation monitoring if probation is

1 imposed; and

2 3. Taking such other and further action as the Board  
3 may deem necessary or proper.

4 DATED: February 10, 1999.



Thomas S. O'Connor  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California

8 Complainant

9 forms\accuse [115 rev]

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BEFORE THE  
BOARD OF PSYCHOLOGY  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

)  
) No. W156  
)  
)

Steve Van Renfeldt, Ph.D.  
License No. PSY 11256

) STATEMENT TO RESPONDENT  
)  
)  
)

Respondent.  
)  
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TO THE RESPONDENT ABOVE - NAMED:

There is attached hereto a copy of the Accusation which has been filed with the office of the State agency named herein and which is hereby served upon you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the agency named herein within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the agency may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for a hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense" or by delivering or mailing a notice of Defense as provided in Section 11506 of the Government Code to the Deputy Attorney General in this case, whose name, address and telephone number appear on the front page of the Accusation.

The hearing may be postponed for a good cause. If you have good cause, you are obliged to notify the agency within 10 working days after you discover the good cause. Failure to notify the agency within 10 days will deprive you of a postponement.

You may, but need not, be represented by counsel at any or all stages of these proceedings. The enclosed Notice of Defense, if signed and filed with the above - designated agency shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in Section 11506 of the Government Code within fifteen (15) Days after service of the Accusation upon you.

If you file any Notice of Defense within the time permitted, a hearing will be had upon the charges made in the Accusation.

Copies of Section 11507.5, 11507.6 and 11507.7 of the Government Code are attached.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code in possession, custody or control of the agency, you may contact the Deputy Attorney General, whose name, address, and telephone number appear on the first page of the Accusation.

#### STIPULATED SETTLEMENTS

Very often, administrative cases are settled by the parties through discussions and negotiations. Our procedures do not include a formal settlement conference, which is a common procedure in civil court cases. However, all parties in this case should get together at the earliest time to discuss any possible stipulations or settlement that can be mutually agreed upon.

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7

PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after such service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it claimed that the act or omission of the respondent as to such person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omission or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that such reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed under this section.

**SECTION 11507.7. Petition to compel discovery; Order; Sanctions**

(a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative

hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.

(b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. However, no petition may be filed with 15 days of the date set for commencement of the administrative hearing except upon order of the court after motion and notice and for good cause shown. In acting upon such motion, the court shall consider the necessity and reasons for such discovery, the diligence or lack of diligence of the moving party, whether the granting of the motion will delay the commencement of the administrative hearing on the date set, and the possible prejudice of such action to any party.

(c) If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

(d) The court may in its discretion order the administrative proceeding stayed during the pendency of the proceeding, and if necessary for a reasonable time thereafter to afford the parties time to comply with the court order.

(e) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

(f) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

(g) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

(h) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the district court of appeal for the district in which the superior court is located, a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

(i) Where the superior court finds that a party or his attorney, without substantial justification, failed or refused to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	No. W156
Steve Van Renfeldt, Ph.D.	)	
License No. PSY 11256	)	<u>NOTICE OF DEFENSE</u>
	)	(Gov. Code Sections 11505 & 11506)
	)	
Respondent.	)	
_____	)	

I, the undersigned, the respondent named in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code sections 11507.5, 11507.6 and 11507.7, and two copies of a Notice of Defense.

I hereby request a hearing in said proceeding to permit me to present my defense to the charges contained in said Accusation.

DATED: \_\_\_\_\_

Respondent's Signature \_\_\_\_\_

Respondent's Mailing Address \_\_\_\_\_

\_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

Check off appropriate statement

\_\_\_\_\_ I am represented by counsel whose name address and telephone are shown in the upper left-hand corner.

\_\_\_\_\_ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleadings, and other papers.

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4 In the Matter of the Accusation )  
Against: )  
5 )  
STEVE VAN RENFELDT, Ph.D., )  
6 )  
Respondent. )  
7 )

8 TO THE RESPONDENT:

9 Under Section 11507.6 of the Government Code of the  
State of California, parties to an administrative hearing,  
10 including the complainant, are entitled to certain information  
concerning the opposing party's case. A copy of the provisions of  
11 section 11507.6 of the Government Code concerning such rights is  
included among the papers in this package.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE,  
REQUEST IS HEREBY MADE OF YOU TO (1) provide the names and  
addresses of the witnesses to the extent known to the respondent  
including, but not limited to, those intended to be called to  
testify at the hearing, and (2) provide an opportunity for the  
complainant to inspect and make a copy of any of the following in  
the possession or custody or under the control of the respondent:

17 (a) A statement of a person, other than the respondent,  
18 named in the initial administrative pleading, or in any  
19 additional pleading, when it is claimed that the act or omission  
of the respondent as to such person is the basis for the  
administrative proceeding;

20 (b) A statement pertaining to the subject matter of the  
proceeding made by any party to another party or person;

22 (c) Statements of witnesses then proposed to be called  
23 by the respondent and of other persons having personal knowledge  
24 of the acts, omissions or events which are the basis for the  
proceeding, not included in (a) or (b) above;

25 (d) All writings, including, but not limited to,  
26 reports of mental, physical, and blood examinations and things  
which the respondent now proposes to offer in evidence;

27 (e) Any other writing or thing which is relevant and which would be admissible in evidence;



1 (f) Investigative reports made by or on behalf of the  
2 respondent pertaining to the subject matter of the proceeding, to  
3 the extent that such reports (1) contain the names and addresses  
4 of witnesses or of persons having personal knowledge of the acts,  
5 omissions, or events which are the basis for the proceeding, or  
6 (2) reflect matters perceived by the investigator in the course  
7 of his or her investigation, or (3) contain or include by  
8 attachment any statement or writing described in (a) to (e),  
9 inclusive, or summary thereof.

6 For the purpose of this request for discovery,  
7 "statements" include written statements by the person, signed or  
8 otherwise authenticated by him or her, stenographic, mechanical,  
9 electrical or other recordings, or transcripts thereof, of oral  
10 statements by the person, and written reports or summaries of  
11 such oral statements.

10 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this  
11 request for discovery should be deemed to authorize the  
12 inspection or copying of any writing or thing which is privileged  
13 from disclosure by law or otherwise made confidential or  
14 protected as attorney's work product.

13 Your response to this request for discovery should be  
14 made to the undersigned attorney for the complainant by directing  
15 such response to the address given below.

15 Failure without substantial justification to comply  
16 with this request for discovery may subject the respondent to  
17 sanctions pursuant to section 11455.10(e) of the Government Code.

17 DATED: JAN 5, 1999

18 BILL LOCKYER, Attorney General  
19 of the State of California

20 Robert C. Miller  
21 ROBERT C. MILLER  
22 Deputy Attorney General  
23 P.O.Box 944255  
24 1300 I Street, Suite 125  
25 Sacramento, CA 94244-2550  
26 Telephone: (916) 324-5161  
27  
28

DISCIPLINARY ORDER

Psychology License No. PSY-11256, issued to STEVE VAN RENFELDT, Ph.D., is hereby revoked.

Respondent shall not be deprived of making a request for relief from default as set forth at Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of motion to vacate the default decision and directed to the Board of Psychology, State of California at 1422 Howe Avenue, Suite 22, Sacramento, CA 95825, prior to the effective date of this decision.

This decision shall be come effective on the

19th day of May, 1999.

Dated: April 19, 1999.

BOARD OF PSYCHOLOGY, STATE OF CALIFORNIA  
Department of Consumer Affairs  
State of California

By: J. Fabian, Ph.D.  
JUDITH JANARO FABIAN, Ph.D.  
President